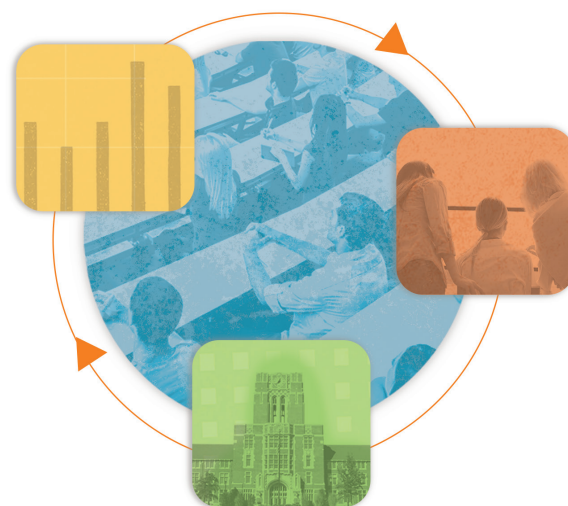


University of Wisconsin System: Stop “Passing the Harasser” Policy

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About Products of the Action Collaborative on Preventing Sexual Harassment in Higher Education

This description of an innovative practice is a product of the National Academies’ Action Collaborative on Preventing Sexual Harassment in Higher Education. It is part of a series of papers designed to provide information on novel policies or practices, including what they aim to address, how they were developed, how they are operationalized, and how other organizations could adapt and apply them. The views expressed in this paper are those of the authors and not necessarily of their organizations or the Action Collaborative on Preventing Sexual Harassment in Higher Education. They do not represent formal consensus positions of the National Academies of Sciences, Engineering, and Medicine. Copyright by the National Academy of Sciences. All rights reserved.

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¹ Information about the authors can be found at the end of the paper.

This description of practice below summarizes the development and implementation of a policy by the University of Wisconsin (UW) System to prevent “passing the harasser,” a term that denotes a known harasser transitioning from one institution to another without (1) the new employer’s knowledge of previous violations of sexual harassment policy or ongoing investigations of such violations, and/or (2) facing disciplinary action. The description of practice provided here details how the policy works and what processes were used to develop and implement it, with the aim of enabling other organizations to adapt and apply it to their own environment. Specifically, the paper includes the following information about the UW policy: description and case examples, historical background on the development of the policy, processes used to develop it, initial feedback on the policy and how concerns were handled, preliminary ideas for evaluation of the practice introduced by the policy, and suggestions for other organizations considering implementing similar practices.

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INTRODUCTION

A systemic problem across institutions of higher education known as “passing the harasser” enables faculty members found responsible for sexual harassment to transition to another institution without

notifying their new employer or facing disciplinary action from their previous employer (Flaherty, 2016; Gluckman, 2017; Kingkade, 2017; Leatherman, 1996; Mervis, 2019). This problem is often facilitated by confidentiality and nondisclosure agreements that prevent institutions from sharing information on faculty perpetrators of sexual harassment (Brown and Mangan, 2019; Fields, 2019a). The Response Working Group collected comprehensive information on the development and implementation of the initial policies designed to prevent the “passing the harasser” problem in higher education. These initial policies from the UW System and the University of California, Davis (UC Davis) provided two distinct models for addressing this problem that are now being adapted by other higher education institutions. This paper describes the UW System practice in detail; a companion paper from the Action Collaborative describes the UC Davis practice.²

The UW System Policy

To prevent the “passing the harasser” problem, the UW System³ developed a policy in 2018 that requires UW institutions to

- request information about sexual misconduct⁴ from both job candidates and their references during the hiring process; and
- consistently disclose violations of sexual misconduct policies to hiring institutions that contact a UW institution for a reference check.

Both of the above requirements apply to full-time employees (faculty, academic staff, postdoctoral

² The Action Collaborative’s paper on the UC Davis practice can be accessed here: <https://www.nationalacademies.org/news/2022/04/innovative-practice-university-of-california-davis-stop-passing-the-harasser-policy> (accessed April 18, 2022).

³ Information on the UW System can be found here: <https://www.wisconsin.edu/about-the-uw-system> (accessed January 19, 2022).

⁴ Information on the UW System’s sexual misconduct policies can be found here: <https://www.wisconsin.edu/regents/policies/sexual-violence-and-sexual-harassment> (accessed January 19, 2022).

fellows, etc.),⁵ but not to temporary employees, student hourly employees, and graduate assistants. This policy and the processes for its implementation were designed to achieve the following goals:

- better documentation of sexual misconduct;
- thorough vetting of the background of job candidates through standardized hiring questions and responses;
- greater awareness of sexual misconduct issues during the hiring process; and
- merit-based recruitment, selection, and hiring processes that produce a talented, effective workforce reflecting the UW System’s commitment to the principles of equal employment opportunity, nondiscrimination, and diversity.

The UW System’s policy is innovative because it provides a systematic, coordinated framework for documenting, sharing, and responding to findings of sexual misconduct within the hiring and reference check processes for full-time faculty and staff across multiple UW System institutions and state agencies. The processes for developing and institutionalizing the policy are also innovative given the policy’s aggressive development timeline of 6 months.

Although the UW System has developed an innovative practice for disclosing and requesting information about employee misconduct, it encompasses only information about sexual misconduct. When a finding of misconduct involves a combination of sexual harassment and other forms of harassment (e.g., racial harassment or bullying) or discrimination, the information shared by UW campuses does not include these other forms of misconduct. It is important to note, however, that this innovative practice serves as a proof of concept for future policies on inquiring about and sharing findings of misconduct and discrimination, and the UW policy could be adapted to address other forms of harassment or

⁵ UW System employee categories can be found here: <https://www.wisconsin.edu/ohrwd/hr/emplcat> (accessed January 19, 2022).

discrimination or other policy violations. Expansion of the policy to encompass findings of racial harassment and discrimination would better address and take into account the experience of individuals with multiple marginalized identities.

Relationship to Findings and Recommendations of the 2018 *Sexual Harassment of Women Report*

The UW System’s practice is consistent with several aspects of the recommendations put forth in the report *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine* (NASEM, 2018). In line with that report’s recommendation 3—to move beyond legal compliance to address culture and climate—the UW practice requires more than basic legal compliance; it addresses the UW culture and climate by sending an immediate message to applicants and UW community members with respect to expectations around behavior. In addition, this policy relates to the 2018 report’s recommendation 4 regarding improving transparency and accountability. By implementing this policy, the UW System aims to hold individuals accountable for sexual misconduct by inquiring and sharing documentation with other institutions and state agencies. This practice also increases the level of transparency within the UW System so as to avoid “passing the harasser” from one UW institution to another. Overall, this policy is designed to help the UW System create a diverse, inclusive, and respectful environment for students, faculty, and staff, as outlined in the 2018 report’s recommendation 1.

DESCRIPTION AND CASE EXAMPLES OF THE PRACTICE

“Passing the harasser” is a common issue across institutions of higher education whereby faculty members found responsible for sexual harassment can quietly resign and seek employment at another institution without notifying their new employer of

their past misconduct, thereby escaping any disciplinary action. An additional concern is that the new employer is unaware of a harasser's previous misconduct, which can embolden serial harassers to continue their harmful behavior or prevent new employers from ensuring that their community is protected from repeat behavior. This problem is fueled by the hesitation of many institutions to share with other institutions information on their employees' disciplinary history out of a desire to avoid legal risks (e.g., defamation lawsuits), bad publicity, or privacy violations (Brown and Mangan, 2019; Fields, 2019b; Flaherty, 2018). Indeed, institutions often will sign confidentiality or nondisclosure agreements with employee perpetrators of sexual harassment, enabling them to transition from one institution to another without anyone knowing of their previous misconduct (Cantalupo and Kidder, 2019). In the absence of federal regulations or guidance on requesting and sharing information on sexual misconduct among higher education institutions and prospective employers, the development and implementation of policies to stop "passing the harasser" is currently left to individual universities, university systems, or states (Brown and Mangan, 2019; Fields, 2019c).

The UW System's policy has two main aspects: the hiring process and the response to reference checks for full-time staff. As noted above, both aspects apply only to full-time staff and exclude temporary employees, student hourlies, and graduate assistants. This limited focus reflects not the risk associated with the exempted categories but the unique challenges they pose and the short timeline set for producing the policy. The recommendation of the work group was to tackle the exempted categories and their unique challenges separately (e.g., the Family Educational Rights and Privacy Act and employment versus coursework). The policy provides a system-wide framework while giving campuses the flexibility to meet the requirements in a way that suits their unique cultures. In addition, the policy is designed to increase awareness of documented, formal

findings of sexual misconduct as defined by campus policies, which are based on institutional definitions of sexually harassing behaviors and policies derived from Title VII and Title IX regulations.

Policy on Requesting Information During the Hiring Process for Full-Time Employees

The hiring process requires UW institutions to ask both candidates and their references (i.e., any previous institution of higher education or other employer) about sexual misconduct before any final candidate is hired. The questions to be asked cover violations, open investigations, and instances in which candidates left their previous position(s) while being actively investigated.⁶

Decisions about who will ask these questions and at what point in the hiring process are left to the individual UW campuses. Typically, a Human Resources or Title IX staff member is responsible for requesting the information. Some institutions pose questions about sexual misconduct to all finalists rather than just the final candidate selected to receive an offer for senior academic positions (e.g., chancellor or provost) given that the hiring process for these positions is more intensive and high-profile. For non-senior-level positions, however, most institutions require that the questions be asked only of the final candidate selected to receive an offer as they lack the resources (structure, time, and finances) to conduct such inquiries for every candidate.

Disclosure of adverse information by a candidate or previous employer does not constitute an automatic disqualifier. To ensure that all UW campuses avoid automatic disqualification of candidates upon disclosure of sexual misconduct information, the UW policy requires that all disclosures be weighed

⁶ A UW System resource containing sample language recommendations for reference check questions and disclaimers can be found here: <https://www.wisconsin.edu/uw-policies/download/1275-Appendix-4.pdf>.

Case Example for the Hiring Process

A professor applies for an open position at a University of Wisconsin (UW) campus. During the application and interview process, the professor is asked whether they have ever violated a sexual misconduct policy, are currently under investigation for sexual misconduct, or left a position during an active investigation in which they were accused of sexual misconduct. Campuses have flexibility in obtaining this information, although most use a confidential, electronic survey form. If the professor advances to the final stage and the campus wants to hire them, it must also ask the above questions of the candidate's most recent employer and any UW or Wisconsin state agency employers from the past 7 years. If the candidate or their references disclose misconduct, the information is weighed as part of an evidence-based hiring process. For UW and Wisconsin state agency employers, the campus also requests and receives the candidate's personnel file.

as part of the evidence-based hiring process. This hiring process takes into account the relevance of the violation(s) to the open position, the amount of time elapsed since the violation(s), the severity of the violation(s), whether the position would involve direct contact with vulnerable populations, and any other relevant factors. The specific process for handling any findings of responsibility for sexual misconduct discovered during the hiring process is established at the campus level; for example, a campus can choose to have its hiring committee make the hiring decision or have specific campus administrators/committees weigh in on the decision. In all cases, it is recommended that the campus consult with its legal team when such findings are discovered. The policy does not encompass asking about or requiring disclosure of unsubstantiated allegations of sexual misconduct except when candidates are currently under investigation or have left their position during an active investigation. Additionally, when candidates are transitioning between institutions within the UW System or from a Wisconsin state agency, their personnel file is to be shared with the hiring institution.

Although UW representatives noted that the UW policy generally prompts a response from previous employers, a response may not be provided immediately or may not be provided at all. To account for such cases, the UW system developed a template

for a reference check release form.⁷ UW campuses can determine whether and how they will use the release form in their hiring process (e.g., require all applicants to sign the release form or use it only when an applicant's previous employer does not readily comply with the request for sexual misconduct information). If a candidate's previous employer is unresponsive to the request for sexual misconduct information, after one contact attempt, UW campuses typically reach out two additional times. If there is still no response, the UW campus documents its attempt to obtain the information and the lack of a response. As with disclosure of adverse information, the lack of a response from a candidate's previous employer is not an automatic disqualifier.

Policy on Disclosing Information in Response to Reference Checks for Full-Time Employees

The UW policy requires consistent disclosure of any violations of sexual misconduct policies to hiring institutions, including UW institutions, Wisconsin state agencies, out-of-state higher education institutions, or other employers, that contact a UW institution for a reference check for a full-time employee. UW campuses disclose only documented, formal findings.

⁷ The template for the reference check release form is available here: <https://www.wisconsin.edu/uw-policies/download/1275-Appendix-6.pdf>.

Case Example for a Reference Request by a Potential Employer

A hiring institution calls a candidate's University of Wisconsin (UW) supervisor for a reference. The supervisor responds to the potential employer's questions, and at the end of the discussion or when asked about misconduct, responds as follows: "All questions related to employee misconduct, including sexual misconduct, are addressed only by our [insert department], which can be contacted by [insert contact method] at [insert contact information]. This isn't meant to imply that this candidate has committed any misconduct, but is something we are required by policy to tell all potential employers."

Employees for whom this information is provided are not notified when the disclosure occurs because in accordance with Wisconsin state law (section 19.356), such formal findings are already part of the state's public record, and UW employees are made aware of the UW System policy regarding such disclosures. For UW institutions and Wisconsin state agencies, the policy also encompasses sharing personnel files.

The requirement to disclose applies to supervisors or "agents of management" (i.e., employees who are understood to represent the institution and are expected to know the full details of the incident). Examples of "agents of management" include Human Resources or Title IX staff and high-level administrators; they do not include colleagues, who generally would not be expected to have first-hand knowledge of the details of the incident or to act as a representative of the institution. When a potential employer contacts a supervisor or agent for a reference check for a current or former employee, the supervisor or agent must notify the potential employer of the appropriate UW System institution contact for any questions related to the employee's misconduct. This referral must be provided for all reference check requests, even if the potential employer does not ask about misconduct. Each campus determines the appropriate contact, although most choose someone in the Human Resources

office. When contacted, the appropriate campus contact must disclose whether the employee has ever been found to have engaged in, is currently under investigation for, or left the institution during an active investigation in which they were accused of sexual violence or sexual harassment. All investigations involving sexual misconduct are completed even if the employee resigns. The employee is offered the chance to continue to participate in the investigation, but neither their resignation nor their refusal to participate ends the investigation. Additionally, a notice of active investigation is placed in the employee's file until the investigation has been completed.

Potential employers are provided with a specific campus contact for several reasons. First, doing so ensures a complete and accurate response to the inquiry, as a supervisor may not be aware of all such incidents and does not have direct access to the employee's personnel file. Second, the handling of disclosure of misconduct is a sensitive matter that requires specialized training, something more easily provided for several employees than for all supervisors, who may encounter such situations infrequently. Instead, supervisors are taught to direct all questions about sexual misconduct to a specifically trained contact. Finally, having a limited number of contacts facilitates consistency in responses.

HISTORICAL BACKGROUND ON THE DEVELOPMENT OF THE PRACTICE

Media coverage helped focus the UW System's awareness of sexual misconduct in higher education, both nationally and locally. In January 2018, the *Milwaukee Journal Sentinel* published a series of articles on complaints regarding sexual misconduct on the part of employees at UW System institutions. Subsequent articles provided deep dives into specific campuses and specific cases. Two main cases shed light on a policy weakness and spurred the UW System to revamp its policies. The first was an inappropriate but consensual relationship between a professor and student, which led to an allegation of sexual harassment. The investigation found the professor responsible, and he resigned. Later it was discovered that the professor had been hired at another university without that institution's knowledge of the prior sexual misconduct finding. The other case involved a Title IX investigator who was accused of sexual harassment. The university's investigation found him responsible, but he resigned before being disciplined. He then took a position at a private college for about a year before being hired by another UW System institution in another Title IX role. Shortly thereafter, a student filed a sexual harassment claim against him, and the investigation once again found him guilty.

These cases highlighted a need to overhaul the UW System's hiring process to prevent hiring and unknowingly passing known harassers. The Board of Regents identified the need to incorporate more controls into the processes for hiring, checking a candidate's references, and responding to reference checks by other institutions, which until then had included no requirements to inquire about or disclose sexual misconduct.

PROCESSES USED TO DEVELOP THE PRACTICE

To develop the UW System's stop "passing the harasser" policy, the Board of Regents passed a resolution in 2018 and created a work group tasked with drafting or revising current policies on personnel files and reference checks to address the issue. The innovative practice described in this paper was developed by the work group, which consisted of members from multiple institutions across the UW System with expertise in a range of relevant areas, including human resources, Title IX, administration, and legal requirements. The work group was given 6 months to draft and implement a new policy.

The work group applied several project management principles and tools to carry out its ambitious task within this short timeframe. First, it held a charge meeting to establish group roles and communication methods for the project. A Gantt chart was created to map out all the steps that needed to be taken, assign timelines, and determine responsible parties. A weekly 1-hour conference call was scheduled, and all work group members pledged to give those meetings high priority within their schedules. It was agreed that each meeting would have an agenda, and notes would be taken to capture the major questions raised and any decisions made as a result of the meeting discussion. These notes were important in preventing the work group from revisiting the same issues and later served as the basis for a set of FAQs.⁸ The work group used a SharePoint site to collaborate in real time on and store documents.

The project was split into five major phases: a current state assessment; policy drafting; feedback from institutional stakeholders; policy socialization (i.e., sharing the proposed policy with the university community and addressing any concerns); and policy

⁸ Personnel File and Reference Check Policy Implementation FAQs designed for Human Resources staff are publicly available here: https://www.wisconsin.edu/uw-policies/download/Appendix-5_HR-FAQs_2019-07-19.pdf.

implementation, which included a review period. During the current state assessment, the work group reviewed the current sexual misconduct-related policies of 37 different universities over a 3-week period by searching public university websites and reaching out directly to many universities. At the end of that assessment, the work group determined that no existing policy met the objectives it was tasked to achieve. The work group subsequently found that UC Davis had a pilot program with similar objectives, but at that point, the UW System policy had already been drafted. It was decided that the best approach was to modify the UW System's existing personnel and recruitment policies to align with the UC Davis policy. The work group spent a week writing the first draft of the policy and another 2 weeks discussing possible outcomes of the draft policy language and rewriting the draft before presenting it to the Board of Regents in August 2018.

INITIAL FEEDBACK ON THE PRACTICE AND HANDLING CONCERNS

After presenting the draft to the Board of Regents, the work group spent the next 2 months gathering feedback in a variety of ways: in-person listening sessions with shared governance, teleconference calls with Human Resources directors and Title IX coordinators, and an online comment form accessible to anyone with a UW email. The goal was to gather feedback from all major policy stakeholders and begin the socialization process.

Although the goals of the policy changes were broadly supported, multiple concerns were expressed, including fear of false accusations and the legal risk of providing a negative reference, privacy concerns related to victims of sexual misconduct, the risk of a permanent black mark, a potential negative effect on recruitment, additional workload for Human Resources, and concerns about the specific wording of the policy. One of the most frequently

expressed concerns was that someone might submit a false accusation to derail a faculty member's chances of getting a new position. The UW System determined that this concern was more theoretical than genuine as long as UW continued to conduct comprehensive investigations and follow its due process procedures. Furthermore, the UW System concluded that the new policy posed no additional risk as one could accomplish the same outcome by anonymously calling a potential employer or posting the accusation on social media. Moreover, the UW System takes the submission of a false sexual harassment report very seriously and if proven, such an act would result in discipline and likely in termination. Thus, the UW System addressed this concern by emphasizing that false reports were unlikely and that it was committed to responding to any false allegations.

Another major concern expressed by campus leadership was the legal risk of providing a bad or inaccurate reference. The UW System's legal team reviewed and analyzed the potential legal risks associated with defamation, discrimination, and other actions related to sexual violence and harassment determinations (Schlavensky, 2019; UW System, 2019). The UW System found that these types of claims are both relatively infrequent, and reasonably well covered by existing statutory protections in many states nationwide, including Wisconsin. Additionally, while there is currently no established "duty to disclose" case law related to "passing the harasser" in the higher education context, recent decisions in Illinois, California, and other jurisdictions related to K-12 and other sensitive populations suggest that this situation may be changing. The legal team determined that greater legal liability would be incurred by *not* working to prevent passing harassers between institutions than by failing to do so because of concern about claims of defamation, retaliation, or discrimination by harassers. Sharing this information with campus leadership helped allay their concerns about liability.

PRELIMINARY IDEAS FOR EVALUATION OF THE PRACTICE

The UW System is currently developing an approach for evaluating the effectiveness of the policy and its implementation across UW institutions. The intended effect of the policy is to prevent “passing the harasser” and identifying individuals with sexual misconduct histories at previous employers if they disclose that information. Beyond reviewing the applicant pool, the UW System is working to determine a mechanism or plan for evaluating the effect the policy has on achieving that goal or how it will monitor for any unintended consequences of the policy. To this end, the UW System is considering what data to collect to evaluate the effectiveness of the policy and is reviewing other evaluation approaches for similar policies (e.g., the Washington State policy to prevent passing the harasser and reduce sexual harassment). To evaluate the coordination and implementation of the policy, the UW System is interested in measuring how successfully UW institutions have adopted it and what variations they have introduced in its implementation (e.g., whether they are using the same questions to inquire about a candidate’s sexual misconduct).

SUGGESTIONS FOR OTHER ORGANIZATIONS CONSIDERING IMPLEMENTING SIMILAR PRACTICES

UW System representatives stressed the importance of gaining immediate buy-in from leadership on a clear vision and goal for the new policy, applying project management principles, involving institutional stakeholders throughout the process of developing the policy, and not overestimating opposition. They expressed the view that the enthusiastic and clear support of leadership can help pave the way for successful policy implementation because it signals the importance of the initiative and can shift the policy-making message from “Is this the right idea?”

to “What’s the best way to implement this idea?” Given buy-in from leadership on a clear goal, the next step is to apply project management principles in mapping out key milestones within the five phases outlined above (a current state assessment, policy drafting, feedback from institutional stakeholders, policy socialization, and policy implementation with a review period). Approximate deadlines also were specified for each milestone. The UW System representatives stressed that these interim deadlines and a fixed policy implementation date helped keep the effort moving rather than bogged down in the research and planning phase. The short timeline for completing the project and the UW System’s commitment to reviewing and addressing friction points after the policy’s implementation allowed the work group to focus on the main issues and take bold action.

After planning the process, the next step was to write the draft policy. In this phase, the UW System representatives emphasized the importance of heavily involving institutional stakeholders both on the policy creation team and in the feedback phase. Institutional stakeholders can provide first-hand knowledge of current processes and institutional culture, identify what types of approaches generally work well, pinpoint areas of resistance, and serve as important influencers to drive institutional change. The UW representatives emphasized the value in having buy-in from leadership at the highest levels (e.g., university Board of Regents, university president, state governor, state legislature, and state agencies), especially if the institution aims to develop and institutionalize such a policy in a short timeframe. In addition to helping drive buy-in, institutional stakeholders are important sources for innovative ideas and approaches.

With respect to policy socialization, the UW System representatives noted that policy stakeholders generally do not like change, and whenever a change occurs, they will have concerns. However, they

underscored the importance of testing the validity of those concerns and gauging how deeply they are held. The UW System used a multifaceted approach for assuaging concerns, given that various policy stakeholders may respond to different types of appeals (i.e., emotional, moral, data-driven). In addition, the UW System representatives emphasized that it was helpful to distinguish policy stakeholders who oppose the policy based on principle or content and those who are “stress-testing” it. They noted that members of the university who are dedicated to their organization’s mission may intensely scrutinize a policy, which can be perceived as strong opposition. Upon closer examination, however, that scrutiny may be motivated by a desire to ensure that the policy is successful and to avoid any preventable pitfalls.

One of the greatest challenges in implementing this policy is the inertia associated with sharing sexual misconduct information because of legal concerns. The UW representatives advised that institutions should be prepared to answer the questions commonly raised regarding the risk of lawsuits related to reputational harm or defamation, given their importance for gaining leadership buy-in. They encourage institutions to review the recent literature and resources (Schlavensky, 2019; UW System, 2019) addressing protections for employers that share formal findings regarding an employee’s sexual misconduct. The UW representatives stressed that the greater concern for institutions is the perceived reputational harm caused by disclosure. They also noted, however, that the discourse on this issue has shifted significantly in the “Post–Me Too” era, and they believe an institution can risk its own reputational harm by not disclosing sexual misconduct information to prevent passing the harasser. Beyond reputational harm, moreover, an institution may face legal consequences in the future if the fact that it intentionally withheld information about a prospective candidate’s sexual misconduct that could risk harm to community members should come to light. UW

representatives suggested that emphasizing both the reputational and legal issues associated with not disclosing sexual misconduct can be helpful in building support for a policy like that of the UW System with campus leaders. As previously mentioned, the UW representatives acknowledged that challenges may be faced in asking institutions to provide misconduct information in compliance with the policy, and some may choose not to respond. However, anecdotal information from other institutions in the Action Collaborative reveals that the UW System’s policy has served as a catalyst for some academic employers to discuss the legal concerns associated with such requests and develop appropriate processes for complying with them.

The UW representatives also pointed to logistical issues institutions should consider at the outset when developing similar policies. One such issue is the stage of the hiring process at which sexual misconduct questions should be asked. The UW representatives noted that anyone who serves on a hiring committee is required to sign an agreement to maintain the confidentiality of the hiring search process. However, if the search process requires publicly announcing finalists or involving others beyond the hiring committee (e.g., faculty or a broader, shared governance body) to help evaluate or rank finalists, it may be advantageous to inquire about sexual misconduct earlier in the search process. This is an important factor in avoiding concerns about confidentiality or damage to the institution’s reputation from having a known harasser in the final pool of candidates. The UW representatives also stressed the importance of institutions examining their current infrastructure for reference checks, as these processes and technologies are the foundation of this type of policy. Specifically, it is important to understand the following issues when undertaking the development of similar policies to prevent “passing the harasser”:

- (1) current technological capacity for conducting reference checks,
- (2) the institution’s general reference

check practices, and (3) which prospective hires are subject to the reference check policy.

CONCLUSION

This paper has described the UW System's innovative practice of developing and institutionalizing a policy to prevent "passing the harasser" across UW institutions, Wisconsin state agencies, and other employers. This practice is innovative in that it coordinates processes for inquiring about, sharing, and responding to findings of sexual misconduct with respect to UW institution employees (i.e., full-time faculty and academic staff) or prospective hires. Most institutions of higher education lack a systematic mechanism for inquiring about and sharing sexual misconduct information to inform their hiring decisions and those of other employers. The UW System's practice therefore represents a cutting-edge example of how university systems can fully address the "passing the harasser" problem (Flaherty, 2018; Jain et al., 2021). Overall, this policy transitioned from theory to reality within a relatively short timeframe by defining a clear vision, employing project management principles (including timelines), empowering institutional stakeholders, and leveraging buy-in from campus leadership. The UW System's practice (developed in 2018) is relatively new, so its effectiveness or effect has not been evaluated. However, the UW System's approach can serve as a stepping stone for other institutions seeking to develop hiring and reference check processes that promote transparency and hold their current and prospective employees accountable if they are found to be responsible for sexual misconduct.

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ABOUT THE ACTION COLLABORATIVE

The Action Collaborative on Preventing Sexual Harassment in Higher Education brings together academic and research institutions and key stakeholders to work toward targeted, collective action on addressing and preventing sexual harassment across all disciplines and among all people in higher education. The members actively collaborate to identify, research, develop, and implement efforts that move beyond basic legal compliance to evidence-based policies and practices for addressing and preventing all forms of sexual harassment and promoting a campus climate of civility and respect. The Action Collaborative includes four Working Groups (Prevention, Response, Remediation, and Evaluation) that compile and gather information and publish resources for the higher education community. The Prevention Working Group focuses on developing, implementing, evaluating, and compiling approaches for creating environments and organizational climates that prevent sexual harassment from occurring.

CONFLICT-OF-INTEREST DISCLOSURES

None disclosed.

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